

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION**

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WILDCAT MFG. CO. INCORPORATED  
a Delaware Corporation

Civ. 07-4131

Plaintiff,

**PLAINTIFF'S NOTICE OF  
MOTION AND MOTION TO  
VOLUNTARILY DISMISS ITS  
COMPLAINT PURSUANT TO  
FED. R. CIV. P. 41(a)(2)**

v.

DIESEL MACHINERY, INC.  
a South Dakota Corporation

Defendants.

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TO:  
Michael P. Healy  
Healy Law Firm, LLC  
2600 City Center Square  
1100 Main St  
Kansas City , MO 64105

**NOTICE**

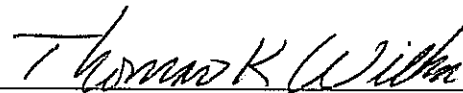
PLEASE TAKE NOTICE that Plaintiff, Wildcat Mfg. Co. Incorporated, through its counsel, Quarles & Brady LLP, will bring the following motion to be heard before the Honorable Lawrence L. Piersol in his courtroom at a date and time to be set by the Court.

**MOTION**

PLAINTIFF HEREBY MOVES this Court for an Order, pursuant to Federal Rule of Civil Procedure 41(a)(2), to voluntarily dismiss its Complaint for Declaratory

Judgment against Diesel Machinery, Inc. This motion is supported by the accompanying Plaintiff's Brief In Support Of Motion To Voluntarily Dismiss Its Complaint Pursuant To Fed. R. Civ. P. 41(a)(2) attached hereto.

Dated this 22 day of June, 2009.



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